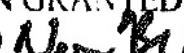


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APPLICATION GRANTED
SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 12/21/2020

December 17, 2020

VIA ECF

The *Fatico* hearing scheduled for January 8, 2021 is hereby
adjourned to March 12, 2021 at 10:00 a.m.

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Michael Mendlowitz*, S2 17-cr-0248 (VSB)

Dear Judge Broderick:

We write with respect to the *Fatico* hearing currently scheduled for January 8, 2021. Due to the current suspension of all in-person proceedings in the Southern District of New York until January 15, 2021, and the ongoing Covid-19 pandemic, we are requesting an additional two-month adjournment. *See* Standing Order, *In re Coronavirus/COVID 19 Pandemic*, Nov. 30, 2020 (M-10-468 (CM)) (the “Standing Order”). According to the Standing Order, “[a]ll criminal matters, including presentments, arraignments, criminal conferences, pleas and sentencings, will be conducted remotely, unless (1) the defendant declines to waive the right to be physically present” Mr. Mendlowitz declines to waive the right to be physically present and he does not consent to witness testimony via videoconference. Both Mr. Mendlowitz’s witness and the government’s witness reside out of state. Visitors to New York from both Georgia and Minnesota (the states from which the witnesses will be traveling) are subject to necessary, but burdensome testing requirements and a period of mandatory quarantine.¹

Although Mr. Mendlowitz is mindful of the need to move things forward, given the importance of the issues to be resolved at this hearing, he would prefer that it be conducted in person. In accordance with the Standing Order, we respectfully request another two-month adjournment of the *Fatico* hearing.

¹ Visitors from Georgia and Minnesota must test negative for the coronavirus within three days before their departure from their home state, and upon arrival in New York must quarantine for three days and take another Covid-19 test on the fourth day. If the test is negative, the traveler no longer has to remain in quarantine. *See* <https://www.nycgo.com/coronavirus-information-and-resources-for-travelers/> (last visited Dec. 16, 2020).

Hon. Vernon S. Broderick
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The government opposes our adjournment request and intends to file an opposition within two days.

Respectfully submitted,

/s/ Patrick J. Smith

Patrick J. Smith
Smith Villazor LLP